

# Senate Study Bill 1240 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER-MEEKS)

## A BILL FOR

1 An Act relating to the provision of behavioral health services  
2 including via telemedicine in a school setting.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   **280A.1 Definitions.**

2     As used in this section, unless the context otherwise  
3 requires:

4     1.   *"Accredited nonpublic school"* means any school, other  
5 than a public school, that is accredited pursuant to section  
6 256.11 for any and all levels for grades one through twelve.

7     2.   *"Area education agency"* means an area education agency  
8 established pursuant to chapter 273.

9     3.   *"Behavioral health screening"* or *"screening"* means a  
10 screening and assessment performed using a universal behavioral  
11 health screening and assessment tool, approved for use by the  
12 department of education in consultation with the department of  
13 public health and the department of human services, to identify  
14 factors that place children at higher risk for behavioral  
15 health conditions, to determine appropriate treatment or  
16 intervention, and to identify the need for referral for  
17 appropriate services.

18    4.   *"Behavioral health services"* means services provided  
19 by a health care professional operating within the scope of  
20 the health care professional's practice which address mental,  
21 emotional, medical, or behavioral conditions, illnesses,  
22 diseases, or problems.

23    5.   *"Health care professional"* means a physician or other  
24 health care practitioner licensed, accredited, registered, or  
25 certified to perform specified health care services consistent  
26 with state law.

27    6.   *"In-person encounter"* means that the mental health  
28 professional and the student are in the physical presence of  
29 each other and are in the same physical location during the  
30 provision of behavioral health services.

31    7.   *"Mental health professional"* means the same as defined  
32 in section 228.1.

33    8.   *"Patient"* means a student receiving a behavioral health  
34 screening or other behavioral health services in accordance  
35 with this chapter.

1     9. "*Primary care provider*" means the personal provider  
2 trained to provide the first contact and continuous and  
3 comprehensive care to a patient and includes but is not limited  
4 to any of the following licensed or certified health care  
5 professionals who provide primary care:

6     a. A physician who is a family or general practitioner or a  
7 pediatrician.

8     b. An advanced registered nurse practitioner.

9     c. A physician assistant.

10    d. A chiropractor.

11    10. "*Provider-patient relationship*" means the relationship  
12 between the patient and the mental health professional that  
13 meets the requirements for commencement and establishment of  
14 a valid provider-patient relationship as specified in this  
15 chapter.

16    11. "*Public school*" means any school directly supported in  
17 whole or in part by taxation.

18    12. "*School district*" means a school district described in  
19 chapter 274.

20    13. "*Student*" means a person enrolled in and attending an  
21 accredited nonpublic school or a public school in grades one  
22 through twelve.

23    14. "*Telemedicine*" means the practice of medicine using  
24 electronic audio-visual communications and information  
25 technologies or other means, including interactive audio with  
26 asynchronous store-and-forward transmission, between a licensee  
27 in one location and a patient in another location with or  
28 without an intervening health care provider. "*Telemedicine*"  
29 includes asynchronous store-and-forward technologies, remote  
30 monitoring, and real-time interactive services, including  
31 teleradiology and telepathology. "*Telemedicine*" does not  
32 include the provision of medical services only through an  
33 audio-only telephone, email messages, facsimile transmissions,  
34 or U.S. mail or other parcel service, or any combination of  
35 these means.

1     Sec. 2. NEW SECTION.   **280A.2 Behavioral health screenings**  
2 **and assessments in school settings.**

3     1. *a.* A school district, an accredited nonpublic school,  
4 or an area education agency may contract with a mental health  
5 professional or a nationally accredited behavioral health  
6 care organization to provide behavioral health screenings to  
7 students in person or via telemedicine.

8     *b.* (1) A behavioral health screening may be conducted  
9 following provision of written consent by the student's parent  
10 or guardian for the student to participate in such screening  
11 and to allow for the release of the results of the screening to  
12 the student's primary care provider.

13     (2) The consent shall also allow for the disclosure of the  
14 results of such screenings to the school district, accredited  
15 nonpublic school, or area education agency, if the mental  
16 health professional believes there is a credible threat to the  
17 health and safety of the student or others.

18     2. If a mental health professional conducts an initial  
19 behavioral health screening on the premises of a public school,  
20 an accredited nonpublic school, or an area education agency and  
21 determines that a student should be referred for additional  
22 behavioral health services, all of the following shall apply:

23     *a.* The mental health professional shall notify the parent or  
24 guardian of the student of the results of the screening.

25     *b.* The mental health professional shall notify the student's  
26 primary care provider. If the student does not have a primary  
27 care provider, the mental health professional shall provide  
28 a listing of local primary care providers to the parent or  
29 guardian.

30     Sec. 3. NEW SECTION.   **280A.3 Establishment of**  
31 **provider-patient relationship for services provided via**  
32 **telemedicine in a school setting.**

33     1. A mental health professional who provides services  
34 via telemedicine in a public school, an accredited nonpublic  
35 school, or an area education agency shall establish a valid

1 provider-patient relationship with the student who receives  
2 telemedicine services.

3 2. The provider-patient relationship commences when all of  
4 the following conditions are met:

5 a. The student with the health-related matter seeks  
6 assistance from a mental health professional.

7 b. The mental health professional agrees to undertake  
8 diagnosis and treatment of the student.

9 c. The student agrees to be treated by the mental health  
10 professional whether or not there has been an in-person  
11 encounter between the mental health professional and the  
12 student.

13 3. A valid provider-patient relationship may be established  
14 through any of the following means:

15 a. Through an in-person encounter which includes an  
16 in-person medical interview and physical examination conducted  
17 under the standard of care required for an in-person encounter.

18 b. Through consultation with a primary care provider who has  
19 an established relationship with the patient and who agrees to  
20 participate in or supervise the patient's care.

21 4. The parent or guardian of a student shall be given  
22 the opportunity to consent prior to the student receiving  
23 behavioral health services via telemedicine under this chapter  
24 after a provider-patient relationship is established pursuant  
25 to this section. The school district shall maintain any such  
26 consent form completed by a parent or guardian.

27 **Sec. 4. NEW SECTION. 280A.4 Behavioral health services**  
28 **provided via telemedicine in a school setting.**

29 1. A public school, accredited nonpublic school, or an  
30 area education agency may provide access to behavioral health  
31 services via telemedicine on the premises of the public school,  
32 accredited nonpublic school, or area education agency. If  
33 a public school, an accredited nonpublic school, or an area  
34 education agency provides such access, the school or area  
35 education agency shall do all of the following:

1     *a.* Provide a secure, confidential, and private room for such  
2 services and the technology necessary to conduct telemedicine  
3 services.

4     *b.* Maintain parent or guardian consent forms for the  
5 provision of such services. Consent forms shall be required  
6 for each academic year in which the student receives such  
7 services.

8     *c.* Maintain scheduling requests for student appointments  
9 for such services and provide the student access to the room by  
10 a school nurse or other appropriately trained school or area  
11 education agency employee.

12    *d.* Ensure that no school or area education agency employee  
13 is present in the same room as the student during the provision  
14 of such services.

15    *e.* Provide information to the student participating  
16 in telemedicine services about how and to whom to report  
17 inappropriate behavior by a mental health professional.

18    *f.* Provide access to the student's parent or guardian to  
19 participate in any of the student's telemedicine sessions.

20     2. The public school, accredited nonpublic school, or area  
21 education agency shall not have access to or handle any of the  
22 student's medical records or be responsible for billing for the  
23 telemedicine services provided.

24     3. A mental health professional with prescribing authority  
25 who provides telemedicine services in accordance with this  
26 section shall not prescribe any new medication to a student  
27 during a telemedicine session. However, a mental health  
28 professional with prescribing authority may initiate new  
29 prescriptions, alter the dosage of an existing medication, or  
30 discontinue an existing medication for the treatment of the  
31 student's behavioral health condition after consultation with  
32 the student's parent or guardian.

33     4. *a.* Prior to the initiation of behavioral health services  
34 via telemedicine in accordance with this section, the student's  
35 primary care provider and the mental health professional

1 providing the telemedicine services shall consult to develop  
2 a plan for the purpose of coordinating the student's medical  
3 care.

4     *b.* The plan shall ensure regular contact between the  
5 student's primary care provider and the student's mental  
6 health professional, and the sharing of such records as may be  
7 necessary to jointly manage the student's medical care.

8     *c.* If the student receiving telemedicine services does not  
9 have a primary care provider, the mental health professional  
10 shall provide a listing of local primary care providers to the  
11 student's parent or guardian.

12     5. The mental health professional shall notify the  
13 student's parent or guardian of the time and place for each  
14 scheduled telemedicine session and specify the means available  
15 for the parent or guardian to participate in the session.

16     6. Protected health information, including but not limited  
17 to medical records and medical billing information, created  
18 by the mental health professional or primary care provider  
19 shall not be shared with or disclosed to a public school,  
20 accredited nonpublic school, or area education agency, unless  
21 disclosure is necessary to prevent or lessen a serious and  
22 imminent threat to the health or safety of the student or to a  
23 clearly identifiable person or persons and the mental health  
24 professional determines the student has the apparent intent and  
25 ability to carry out the threat.

26     7. A school district, an accredited nonpublic school,  
27 an area education agency, the board of directors of a school  
28 district or an area education agency, authorities in charge of  
29 the accredited nonpublic school, and employees of the school  
30 district, accredited nonpublic school or area education agency,  
31 shall not be liable for any injury arising from the provision  
32 of voluntary behavioral health screenings or behavioral health  
33 services in accordance with this chapter, provided such person  
34 has acted reasonably and in good faith.

35     Sec. 5. NEW SECTION.   514C.35   Behavioral health services

1 provided via telemedicine in a school setting — coverage.

2 1. As used in this section, unless the context otherwise  
3 requires:

4 a. *"Accredited nonpublic school"* means any school, other  
5 than a public school, that is accredited pursuant to section  
6 256.11 for any and all levels for grades one through twelve.

7 b. *"Area education agency"* means an area education agency  
8 established pursuant to chapter 273.

9 c. *"Behavioral health services"* means services provided  
10 by a health care professional operating within the scope of  
11 the health care professional's practice which address mental,  
12 emotional, medical, or behavioral conditions, illnesses,  
13 diseases, or problems.

14 d. *"Health care professional"* means a physician or other  
15 health care practitioner licensed, accredited, registered, or  
16 certified to perform specified health care services consistent  
17 with state law.

18 e. *"In-person encounter"* means that the mental health  
19 professional and the student are in the physical presence of  
20 each other and are in the same physical location during the  
21 provision of behavioral health services.

22 f. *"Mental health professional"* means the same as defined  
23 in section 228.1.

24 g. *"Patient"* means a student receiving a behavioral health  
25 screening or other behavioral health services in accordance  
26 with this chapter.

27 h. *"Primary care provider"* means the personal provider  
28 trained to provide the first contact and continuous and  
29 comprehensive care to a patient and includes but is not limited  
30 to any of the following licensed or certified health care  
31 professionals who provide primary care:

32 (1) A physician who is a family or general practitioner or a  
33 pediatrician.

34 (2) An advanced registered nurse practitioner.

35 (3) A physician assistant.



1 (4) A chiropractor.

2 *i. "Provider-patient relationship"* means the relationship  
3 between the patient and the mental health professional that  
4 meets the requirements for commencement and establishment of  
5 a valid provider-patient relationship as specified in this  
6 chapter.

7 *j. "Public school"* means any school directly supported in  
8 whole or in part by taxation.

9 *k. "School"* means a public or accredited nonpublic school,  
10 or an area education agency that provides premises for teaching  
11 any grade from kindergarten through grade twelve.

12 *l. "School district"* means a school district described in  
13 chapter 274.

14 *m. "Student"* means a person enrolled in and attending an  
15 accredited nonpublic school or a public school in grades one  
16 through twelve.

17 *n. "Telemedicine"* means the practice of medicine using  
18 electronic audio-visual communications and information  
19 technologies or other means, including interactive audio with  
20 asynchronous store-and-forward transmission, between a licensee  
21 in one location and a patient in another location with or  
22 without an intervening health care provider. *"Telemedicine"*  
23 includes asynchronous store-and-forward technologies, remote  
24 monitoring, and real-time interactive services, including  
25 teleradiology and telepathology. *"Telemedicine"* does not  
26 include the provision of medical services only through an  
27 audio-only telephone, email messages, facsimile transmissions,  
28 or U.S. mail or other parcel service, or any combination of  
29 these means.

30 2. *a.* Notwithstanding the uniformity of treatment  
31 requirements of section 514C.6, a policy, contract, or plan  
32 providing for third-party payment or prepayment of health or  
33 medical expenses shall provide coverage and treat as equivalent  
34 services, behavioral health services provided by a mental  
35 health professional to a student through an in-person encounter

1 or via telemedicine pursuant to chapter 280A.

2     *b.* Coverage shall be provided if all of the following  
3 conditions are met:

4       (1) If behavioral health services are provided by a mental  
5 health professional via telemedicine to a student on the  
6 premises of a public school, an accredited nonpublic school, or  
7 an area education agency, the behavioral health services are  
8 provided in accordance with chapter 280A.

9       (2) The mental health services provided are provided in  
10 accordance with evidence-based standards of practice and relate  
11 only to behavioral health.

12       (3) The mental health professional has an existing  
13 provider-patient relationship with the student as specified in  
14 chapter 280A.

15       (4) The student's parent or guardian has consented to the  
16 treatment and to release of the student's medical records  
17 associated with the telemedicine services to the student's  
18 primary care provider.

19       (5) The mental health services provided are required in  
20 accordance with the student's individual education plan.

21     3. This section applies to the following classes of  
22 third-party payment provider policies, contracts, or plans  
23 delivered, issued for delivery, continued, or renewed in this  
24 state on or after January 1, 2020:

25       *a.* Individual or group accident and sickness insurance  
26 providing coverage on an expense-incurred basis.

27       *b.* An individual or group hospital or medical service  
28 contract issued pursuant to chapter 509, 514, or 514A.

29       *c.* An individual or group health maintenance organization  
30 contract regulated under chapter 514B.

31       *d.* A plan established pursuant to chapter 509A for public  
32 employees.

33     4. This section shall not apply to accident-only,  
34 specified disease, short-term hospital or medical, hospital  
35 confinement indemnity, credit, dental, vision, Medicare

1 supplement, long-term care, basic hospital and medical-surgical  
2 expense coverage as defined by the commissioner, disability  
3 income insurance coverage, coverage issued as a supplement  
4 to liability insurance, workers' compensation or similar  
5 insurance, or automobile medical payment insurance.

6 5. The commissioner of insurance, in collaboration with the  
7 state board of education, may adopt rules pursuant to chapter  
8 17A as necessary to administer this section.

9 Sec. 6. MEDICAID — TELEMEDICINE SERVICES PROVIDED IN  
10 SCHOOL SETTINGS — REIMBURSEMENT.

11 1. For the purposes of this section:

12 a. "Accredited nonpublic school" means any school, other  
13 than a public school, that is accredited pursuant to section  
14 256.11 for any and all levels for grades one through twelve.

15 b. "Area education agency" means an area education agency  
16 established pursuant to chapter 273.

17 c. "Behavioral health services" means services provided  
18 by a health care professional operating within the scope of  
19 the health care professional's practice which address mental,  
20 emotional, medical, or behavioral conditions, illnesses,  
21 diseases, or problems.

22 d. "Health care professional" means a physician or other  
23 health care practitioner licensed, accredited, registered, or  
24 certified to perform specified health care services consistent  
25 with state law.

26 e. "In-person encounter" means that the mental health  
27 professional and the student are in the physical presence of  
28 each other and are in the same physical location during the  
29 provision of behavioral health services.

30 f. "Mental health professional" means the same as defined  
31 in section 228.1.

32 g. "Patient" means a student receiving a behavioral health  
33 screening or other behavioral health services in accordance  
34 with this chapter.

35 h. "Primary care provider" means the personal provider

1 trained to provide the first contact and continuous and  
2 comprehensive care to a patient and includes but is not limited  
3 to any of the following licensed or certified health care  
4 professionals who provide primary care:

5 (1) A physician who is a family or general practitioner or a  
6 pediatrician.

7 (2) An advanced registered nurse practitioner.

8 (3) A physician assistant.

9 (4) A chiropractor.

10 i. "Provider-patient relationship" means the relationship  
11 between the patient and the mental health professional that  
12 meets the requirements for commencement and establishment of  
13 a valid provider-patient relationship as specified in this  
14 chapter.

15 j. "Public school" means any school directly supported in  
16 whole or in part by taxation.

17 k. "School" means a public or accredited nonpublic school,  
18 or an area education agency that provides premises for teaching  
19 any grade from kindergarten through grade twelve.

20 l. "School district" means a school district described in  
21 chapter 274.

22 m. "Student" means a person enrolled in and attending an  
23 accredited nonpublic school or a public school in grades one  
24 through twelve.

25 n. "Telemedicine" means the practice of medicine using  
26 electronic audio-visual communications and information  
27 technologies or other means, including interactive audio with  
28 asynchronous store-and-forward transmission, between a licensee  
29 in one location and a patient in another location with or  
30 without an intervening health care provider. "Telemedicine"  
31 includes asynchronous store-and-forward technologies, remote  
32 monitoring, and real-time interactive services, including  
33 teleradiology and telepathology. "Telemedicine" does not  
34 include the provision of medical services only through an  
35 audio-only telephone, email messages, facsimile transmissions,

1 or U.S. mail or other parcel service, or any combination of  
2 these means.

3 2. a. The department of human services shall require,  
4 contractually and in accordance with rules adopted pursuant  
5 to chapter 17A, that under both fee-for-service and managed  
6 care administered Medicaid, behavioral health services provided  
7 through an in-person encounter or via telemedicine pursuant to  
8 chapter 280A shall be treated as equivalent services for the  
9 purposes of reimbursement.

10 b. Coverage shall be provided if all of the following  
11 conditions are met:

12 (1) If the mental health services are provided by a mental  
13 health professional via telemedicine to a student on the  
14 premises of a public school, an accredited nonpublic school, or  
15 an area education agency, the behavioral health services are  
16 provided in accordance with chapter 280A.

17 (2) The mental health services are provided in accordance  
18 with evidence-based standards of practice and relate only to  
19 behavioral health.

20 (3) The mental health professional has an existing  
21 provider-patient relationship with the student as specified in  
22 chapter 280A.

23 (4) The student's parent or guardian has consented to the  
24 treatment and to release of the student's medical records  
25 associated with the telemedicine services to the student's  
26 primary care provider.

27 (5) The mental health services provided are required in  
28 accordance with the student's individual education plan.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill provides for the provision of behavioral health  
33 screenings and services through a school setting both in person  
34 and via telemedicine.

35 The bill authorizes a school district, an accredited

1 nonpublic school, or an area education agency to contract  
2 with a mental health professional or a nationally accredited  
3 behavioral health care organization to provide behavioral  
4 health screenings to students in person or via telemedicine,  
5 upon written consent by the student's parent or guardian and  
6 to allow for the release of the results of the screening to the  
7 student's primary care provider.

8     The bill specifies the requirements for the establishment  
9 of a provider-patient relationship for purposes of mental  
10 health professionals providing behavioral health services  
11 via telemedicine in a public school, an accredited nonpublic  
12 school, or an area education agency setting.

13     The bill authorizes a public school, accredited nonpublic  
14 school, and area education agency to provide access to  
15 behavioral health services via telemedicine on the premises  
16 of the public school, accredited nonpublic school, or area  
17 education agency, specifies the parameters for the provision of  
18 such services, and provides immunity for entities that provide  
19 such services acting reasonably and in good faith.

20     The bill requires that both private health insurance  
21 coverage and the Medicaid program are to provide coverage  
22 and treat as equivalent services, behavioral health services  
23 provided by a mental health professional to a student through  
24 an in-person encounter or via telemedicine pursuant to the  
25 bill.